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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,576	02/10/2004	Seppo Vesterinen	088245-0388	8892
23524 7590 05/07/2009 FOLEY & LARDNER LLP 150 EAST GILMAN STREET P.O. BOX 1497 MADISON, WI 53701-1497			EXAMINER KING, SIMON	
			ART UNIT 2614	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/774,576

**Applicant(s)**

VESTERINEN ET AL.

**Examiner**

SIMON KING

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 9-20 and 23-32 rejected under 35 U.S.C. 102(b) as being anticipated by Johansson et al. (US 2002/0080752 A1).

As for claim 1, Johansson discloses a method ([0065]: method) for configuring addresses in a packet switched ([0057]: packet mobile IP) data communication system, the method comprising: configuring a temporary address for an interface (Fig.9a, [0123-0124]: interface 90b. Temporary care-of address) of a sub-element (Fig.9a and [0124]: mobile node 3) of a network element ([0124]: 5c), the network element comprising a control module (Fig.7 and [0123]: DHCP server 72) and the sub-element (Fig.9a: mobile node 3), wherein the temporary address is valid in an internal network associated with the network element (Fig.9a: subnet 8); retrieving an identifier of the network element from the control module ([0123]); and defining a second address for the interface of the sub-element based on the retrieved identifier of the network element and the temporary address (Fig.9a, [0121-0123]: mobile node 3 source IP address set to care-of address), wherein the second address is valid in an external network with which the network element communicates (Fig.9a: subnet 9).

As for claims 2 and 16, Johansson discloses a method and network element, wherein the temporary address is a local link layer address for the interface of the sub-element ([0078]: mobile node 3 link layer address).

As for claims 3 and 17, Johansson discloses a method and network element, wherein the temporary address for the interface of the sub-element is configured based on the position of the sub-element in the network element ([0023]).

As for claims 4 and 18, Johansson discloses a method and network element, wherein the temporary address for the interface of the sub-element is configured based on a serial number of the sub-element ([0096]: NVSE-Type-Number).

As for claims 5 and 19, Johansson discloses a method and network element, wherein the control module is configured to access the identifier of the network element without communicating with other network elements ([0123]).

As for claims 6 and 20, Johansson discloses a method and network element, wherein the control module is configured to store the identifier of the network element in a memory of the control module (Inherent for a DHCP server to have memory for storage of IP address).

As for claims 9 and 23, Johansson discloses a method and network element, wherein the defined second address comprises a network layer address for the interface of the sub-element ([0017]: IP address).

As for claims 10 and 24, Johansson discloses a method and network element, further comprising blocking, inside the network element, all data packets that do not contain the identifier of the network element ([0017]: routing header properly process from IP processing layer).

As for claim 11, Johansson discloses a method, further comprising enabling the interface of the sub-element for network element external communication after the second address for

the interface of the sub-element is defined ([0123]).

As for claims 12 and 25, Johansson discloses a method and network element, further comprising retrieving a network portion identifying a logical network including the network portion with the second address of the interface of the sub-element (Fig. 10).

As for claim 13, Johansson discloses a method, wherein the logical network is a layer 2 switched local area network with at least two network elements ([0025]: mobile IP tunnel logical interface: Fig. 9a).

As for claim 14, Johansson discloses a computer program product comprising program code for performing the method, the program code embodied on a computer-readable memory and executable by a processor of the network element ([0064]).

As for claim 15, Johansson discloses a network element comprising: a sub-element; a control module; a processor; and a computer-readable memory operably coupled to the processor, the computer-readable memory comprising instructions that, upon execution by the processor, cause the network element to configure a temporary address for an interface of the sub-element wherein the temporary address is valid in an internal network associated with the network element; retrieve an identifier of the network element from the control module; and define a second address for the interface of the sub-element based on the retrieved identifier of the network element and the temporary address, wherein the second address is valid in an external network with which the network element communicates ([0064] and see rejection for claim 1).

As for claim 26, Johansson discloses a network element, wherein the local link layer address is based on a 48-bit media access control identifier format ([0086]: MAC address).

As for claim 27, Johansson discloses a network element, wherein the network layer address is one of a link-local Internet Protocol version 6 address based on an EUI-64 identifier and an Internet Protocol version 4 address using a dynamic host configuration protocol ([0028] and [0005]).

As for claim 28, Johansson discloses a network element, wherein the network element is a transceiver ([0023]: means for transmit; [0016]: means for receive).

As for claim 29, Johansson discloses a communication system comprising: a logical network comprising at least two network elements, a network element of the at least two network elements comprising at least one sub-element and a control module; a configuring means for configuring a temporary address for an interface of a sub-element of the at least one sub-element, wherein the temporary address is valid in an internal network associated with the network element, and to define an address for the interface of the sub-element based on an identifier of the network element retrieved by a retrieving means from the control module and the temporary address, wherein the second address is valid in an external network with which the network element communicates (see rejection for claim 1).

As for claim 30, Johansson discloses a communication system, wherein the defined address further comprises a network portion identifying the logical network (see rejection for claim 12).

As for claim 31, Johansson discloses a communication system, wherein the defined address comprises one of a link-local Internet Protocol version 6 address based on an EUI-64 identifier and an Internet Protocol version 4 address using a dynamic host configuration protocol (see rejection for claim 27).

As for claim 32, Johansson discloses a communication system, wherein the temporary address is based on a 48-bit media access control identifier format (see rejection for claim 26)

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 8, 21 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Johansson et al. (US 2002/0080752 A1) in view of Lipasti et al. (US 2002/0039357 A1).

As for claims 7 and 21, Johansson discloses the method and network element for the claimed invention except where verifying the uniqueness of the second address using a duplicate address detection process.

However, Lipasti discloses where verifying the uniqueness of the second address using a duplicate address detection process (Lipasti: [0060]) for the purpose of assuring that the address is unique (Lipasti: [0060])

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to configure where verifying the uniqueness of the second address using a duplicate address detection process as taught by Lipasti in Johansson for the purpose of assuring that the address is unique.

As for claims 8 and 22, Johansson discloses the method and network element, wherein the identifier of the network element is retrieved from the control module using the temporary

address as a unique address to carry out an automatic address resolution procedure locally in the network element. Johansson discloses the claimed invention except where carry out an automatic address resolution procedure.

However, Lipasti discloses where carry out an automatic address resolution procedure for the purpose of acquiring IP address dynamically (Lipasti: [0045]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to configure where carry out an automatic address resolution procedure for the purpose of IP address dynamically as taught by Lipasti in Johansson for the purpose of acquiring IP address dynamically.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SIMON KING whose telephone number is (571)270-1950. The examiner can normally be reached on 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, FAN TSANG can be reached on (571)272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

5 May 2009

/SIMON KING/  
Examiner, Art Unit 2614

/Fan Tsang/

Supervisory Patent Examiner, Art Unit 2614